

# Worksession

<b>Agenda Item #</b>	2
<b>Meeting Date</b>	November 29, 2004
<b>Prepared By</b>	Linda S. Perlman Asst. City Attorney
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Adoption of a new Codification of the Takoma Park Code.
<b>Background</b>	<p>The City has been working, in conjunction with editorial staff of Matthew Bender &amp; Company, Lexis-Nexis Municipal Codes (successor to Book Publishing Company), to compile, edit, reorganize, and index a new codification of the Takoma Park Code. The purpose of the recodification is for clarity and convenience--not to modify or make any substantive changes to any provision of the Takoma Park Code and City ordinances existing as of the effective date of the recodification. The new codification and the repeal of the City of Takoma Park Code, 1972 edition, as amended (<i>i.e.</i>, all general and permanent ordinances existing as of July 26, 2004 that are not included in the recodified Takoma Park Code) needs to be adopted by the Council by ordinance.</p> <p>As part of its recodification contract, the City purchased the CodeMaster software program which is designed to automate and expedite the maintenance of the City's Code. CodeMaster includes the following components:</p> <p>⇒ <u>Publishing (both printed and HTML)</u>. The recodified Takoma Park Code will be posted on the City's web site. It will be updated on a regular basis by the City Clerk's office as Code-related ordinances--those ordinances which affect or create some portion of the Takoma Park Code--are passed by the Council. In addition, printed supplements to the Code will be produced in-house by the City Clerk's office on at least an annual basis.</p> <p>⇒ <u>Information search and retrieval</u>. The HTML version of the Takoma Park Code will be available on the City's web site. The online Code will have a search engine which allows users to search the Code through the table of contents, sections or item numbers, and words and phrases.</p> <p>⇒ <u>Legislation creation, storage, and tracking</u>. CodeMaster provides for a centralized approach to creating ordinances and resolutions, tracking the status of legislation, adopting ordinances into the Code, and generating reports about the legislation that has been created. CodeMaster stores three types of legislation: (1) code-related ordinances, which alter or add to something that is already in the Code; (2) noncode-related ordinances, which affect or create provisions which are not included in the Code (for example, a budget amendment ordinance or an ordinance awarding a contract); and (3) resolutions. Templates for each type of legislation will be developed ensuring a consistent style and format.</p> <p>Under CodeMaster, there is an "Administrator" who controls the source templates for new legislation, determines which users have the power to create and modify</p>

	<p>legislation, and manages the flow of legislation from creation to adoption or defeat. “Authors” (designated by the Administrator) have the ability to create new legislation of any kind, and to modify and manage legislation they have created. The third category is that of a “Viewer.” Viewers only have the power to view the Code and perform searches and print sections of the Code.</p>
<b>Policy</b>	<p>Section 401(b)9 of the Municipal Charter of the City of Takoma Park authorizes the Council to provide for the codification of all ordinances and Article 23A, Section 17D of the Annotated Code of Maryland requires municipalities to provide annually for the preparation and distribution of a new edition of its code of ordinances or for a supplement to its most recent code. The Council last adopted a complete recodification of its laws in or about 1972. Substantial changes have occurred in the laws of the City since the last codification.</p>
<b>Fiscal Impact</b>	<p>\$750 annual fee for CodeMaster technical support and software upgrades</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Memorandum on Recodification of the Takoma Park Code.</li> <li>2. Proposed Ordinance adopting a new codification of the Takoma Park Code.</li> <li>3. A review copy of the new Takoma Park Code book.</li> </ol>
<b>Recommendation</b>	<p>Discuss the new codification of the Takoma Park Code.</p>
<b>Special Consideration</b>	

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## MEMORANDUM

**To:** Council, City of Takoma Park

**Via:** Barbara B. Matthews, City Manager

**From:** Linda S. Perlman, Assistant City Attorney

**Subject:** Recodification of the Takoma Park Code

**Date:** November 10, 2004

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In or about late 1999, the City entered into a contract with Book Publishing Company<sup>1</sup> ("codifier") to assist with the recodification of the City Charter and Code. The project objectives included updating and reformatting the Takoma Park Code so that the Code would be more available, logically arranged for convenient use, and kept up-to-date. In addition, the City wanted to bring its Code online (either at the City's web site or at the codifier's web site) and make it easily searchable by key words and topics, as well as by a table of contents. A related "CodeMaster" software package also will enable the City Clerk's office to assume responsibility for in-house codification of City ordinances and will provide for quick entry of changes to the Takoma Park Code.

The codifier produced an Ordinance Analysis and Report for the City which set forth a proposed code arrangement and made various recommendations for reorganization of the text and suggestions for editorial and stylistic changes. Based on this Report, in consultation with the Council, staff decided to conduct a comprehensive review and revision of the Takoma Park Charter and Code, rather than simply proceeding to republish the Charter and Code as it was then written.

In the past several years, the Council adopted a new City Charter and revised a number of chapters of the Code. This chapter-by-chapter Code review is a continuing effort. However, by

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<sup>1</sup> Book Publishing Company was later purchased by Matthew Bender & Co., Inc., LexisNexis Municipal Codes and the code publisher will hereinafter be referred to as "LexisNexis,"

mid-2003, City staff agreed with the codifier (now LexisNexis) to proceed to republish its Charter and Code. The purpose of this memorandum is to outline the organization of the new Takoma Park Code and to highlight the major changes and deletions. The Council then will need to adopt the recodified Code by Ordinance.

### Contents of Code and Legislative Histories

The new City of Takoma Park Municipal Code (hereinafter sometimes referred to as “New Code”) contains all currently effective legislation (ordinances and certain resolutions) of a general and permanent nature enacted by the Council of the City of Takoma Park through Ordinance No. 2004-26.

The current codification of the Takoma Park Code is formally designated as “The City of Takoma Park Code, 1972” (hereinafter sometimes referred to as “Prior Code”). Printed supplements to this Code were published approximately annually until the late 1990's. Copies of Ordinances adopted subsequent to the last-published Code supplement are available from the City Clerk's office or, for recent ordinances, on the City's web site. The New Code includes a Prior Code Cross Reference Table which sets forth the legislative history and current disposition of the prior code sections. In addition, the statutory reference to the section in the Prior Code (*i.e.*, The Takoma Park Code, 1972) and/or the ordinance number of the most recent adopting or amending ordinance, if the provision had not been codified, are set forth in parenthesis following each of the New Code sections.

### Organization of the New Code

A title-chapter-section system is employed in the New Code, as opposed to a chapter-article-section system in the Prior Code (some articles of the Prior Code also had “divisions” after an article and before the sections). In the New Code, subjects are divided into major categories called “titles” and subcategories called “chapters.”<sup>2</sup> The chapters are followed by sections containing substantive ordinance material. Each section number indicates, in order, the numbers of the title, chapter, and section (if the chapter is further divided into articles or divisions, this is not reflected in the numbering scheme). Thus, 4.12.030 is Section .030 in Chapter 4.12 of Title 4. In most cases, chapters are numbered by fours (5.04, 5.08, 5.12, etc.) and sections are numbered by tens (.010, 0.20, 0.30, etc.) to allow for future provisions without renumbering. The Code Instructions (How to Use Your Code) of the New Code further explain the organization and numbering system.

### Comparison of New Code and Prior Code (Major Additions and Deletions)

1. City Charter. A new Municipal Charter of the City of Takoma Park was adopted by Charter Amendment Resolution No. 2001-70 and became effective on January 2, 2002. Although a number of charter amendments had been adopted over the years (for example, to provide for non-citizen voting in municipal elections), the last comprehensive revision of the City Charter, before

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<sup>2</sup> Some of the chapters of the New Code also have “articles” or “divisions” which are followed by “sections.”

the 2001 Charter revision, was in 1989 (Charter Amendment Resolution No. 1989-79, effective September 11, 1989).

2. New Code - Title 1, Chapter 1.04, General Provisions. Prior Code - Chapter 1 (Ordinance No. 2004-3). Chapter 1 was comprehensively revised by Ordinance No. 2004-3 which had an effective date of January 28, 2004.

3. New Code - Title 2, Administration. Prior Code - Chapter 2 (Ordinance No. 2004-3). Chapter 2 was comprehensively revised by Ordinance No. 2004-3 which had an effective date of January 28, 2004.

a. Chapter 2.04, Meetings and Procedures of Council. Prior Code - Chapter 2, Article 1 (Ordinance No. 2004-3).

b. Chapter 2.08, City Management, Article 1, City Manager, and Article 2, Department Heads. Prior Code - Chapter 2, Article 2, Divisions 1 - 2 (Ordinance No. 2004-3).

c. Chapter 2.12, Administrative Regulations. Prior Code - Chapter 2, Article 3, Administrative Regulations (Ordinance No. 2004-3).

d. Chapter 2.16, Boards and Commissions, Article 1 - General Provisions, Article 2 - Tree Commission, Article 3 - Stormwater Board, Article 4 - Public Safety Citizens Advisory Committee, and Article 5 - Safe Roadways Committee. Prior Code - Chapter 2, Article 4, Boards and Commission, Divisions 1 - 4 (Ordinance No. 2004-3), and Ordinance 2004-8, effective March 15, 2004, creating the Safe Roadways Committee.<sup>3</sup>

e. Chapter 2.20, Police Department. Prior Code - Chapter 9.

4. New Code - Title 3, Chapter 3.04, Ethics. Prior Code - Chapter 5, Ethics (Ordinance No. 2003-41). The Ethics chapter was comprehensively revised by Ordinance No. 2003-41 which had an effective date of November 30, 2003. Minor revision to the ethics chapter, in response to the suggestions of the General Counsel of the State Ethics Commission, were made by Ordinance No. 2004-2, effective January 21, 2004.

5. New Code - Title 4, Personnel. Prior Code - Chapter 8B, Personnel Procedures. The provisions of New Code Title 4 are unchanged from Prior Code Chapter 8B.

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<sup>3</sup> Ordinance No. 2003-1, effective January 13, 2003, establishing the Takoma Park Arts and Humanities Commission, and Ordinance No. 2003-6, effective March 24, 2003, revising the membership size of the Takoma Park Arts and Humanities Commission, were inadvertently left out of the New Code. This omission will be remedied the next time a supplement to the New Code is published (and in the online Code). Although it is not printed in the New Code, Ordinances 2003-1 and 2003-6--and the Takoma Park Arts and Humanities Commission--remain in effect.

a. Chapter 4.04, Civil Service, Article 1 - Administration, Article 2 - Definitions, Article 3 - Conduct of Employees, Article 4 - Classified Service, Article 5 - (Reserved), Article 6 - Selection and Appointment of Employees, Article 6 - Attendance and Leave, Article 7 - Selection and Appointment of Employees, Article 8 - Probationary Period, Article 9 - Promotions, Transfers, Resignations, Layoffs, Demotions, Article 10 - Employee Performance Evaluation, Article 11 - Disciplinary Actions and Dismissal, Article 12 - Employee Development, Article 13 - Fringe Benefits, Article 14 - Grievance Procedure, Article 15 - Personnel Appeal Board Establishment and Composition. Prior Code - Chapter 8B, Article 1, Divisions 1 - 15.

b. Chapter 4.08, Collective Bargaining. Prior Code - Chapter 8B, Article 2.

c. Chapter 4.12, Alcohol and Drug Policy. Prior Code - Chapter 8B, Article 3.

d. Chapter 4.16, Employee Assistance Program.<sup>4</sup> Prior Code - Chapter 8B, Article 4.

e. Chapter 4.20, Screening for Drugs and Alcohol. Prior Code - Chapter 8B, Article 5.

f. Chapter 4.24, Police Employees' Retirement Plan, Article 1 - Establishment of Plan--Generally--Defined Terms, Article 2 - Credited Service, Article 3 - Funding of Benefits, Article 4 - Lifetime Benefits, Article 5 - Death Benefits, Article 6 - Administration, Article 7 - Amendment--Termination of Plan, Article 9 - Liability of City--Construction of Plan. Prior Code - Ordinance No. 2001-20.

6. New Code - Title 5, Elections. Prior Code - Chapter 4D, Elections. The provisions of New Code Title 5 are unchanged from Prior Code Chapter 4D, except that new ward boundaries (Prior Code §4D-5) were adopted by Ordinance No. 2003-17.

a. Chapter 5.04, General Provisions. Prior Code - Chapter 4D, Article 1, In General.

b. Chapter 5.08, Wards. Prior Code - Chapter 4D, Article 2 and Ordinance No. 2003-17.

c. Chapter 5.12, Fair Elections Practices. Prior Code - Chapter 4D, Article 3.

d. Chapter 5.16, Voting. Prior Code - Chapter 4D, Article 4.

e. Chapter 5.20, Absentee Voting. Prior Code - Chapter 4D, Article 5.

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<sup>4</sup> The New Code cover page to Title 4 lists Chapter 4.16 as Employer Assistance Program, rather than Employee Assistance Programs. This appears to be a typographical error.

7. New Code - Title 6, Housing. Prior Code - Chapter 6, Housing (Ordinance Nos. 2003-7 & 2003-24). Chapter 6 (except Article 5, Rent Stabilization) was comprehensively revised by Ordinance No. 2003-7 which had an effective date of April 25, 2003. Ordinance No. 2003-24, effective August 15, 2003, amended certain general provisions (Article 1) and licensing provisions (Article 2) and also adopted *Montgomery County Code* Chapter 26, Housing and Building Maintenance Standards, with minor amendments, as the City's Property Maintenance Code (Article 3). This was done as part of the City's transfer of code enforcement responsibilities related to rental housing inspections to Montgomery County.

a. Chapter 6.04, General Provisions and Definitions. Prior Code - Chapter 6, Article 1 (Ordinance No. 2003-7 and Ordinance No. 2003-24).

b. Chapter 6.08, Rental Housing Licenses and Commercial Occupancy Licenses. Prior Code - Chapter 6, Article 2 (Ordinance No. 2003-7 and Ordinance No. 2003-24).

c. Chapter 6.12, Property Maintenance Code. Prior Code - Chapter 6, Article 3 (Ordinance No. 2003-24).

d. Chapter 6.16, Landlord-Tenant Relations. Prior Code - Chapter 6, Article 4 (Ordinance No. 2003-7).

e. Chapter 6.20, Rent Stabilization. Prior Code - Chapter 6, Article 5 (unrevised) (Ordinance No. 2003-7).

f. Chapter 6.24, Commission on Landlord-Tenant Affairs. Prior Code - Chapter 6, Article 6 (Ordinance No. 2003-7). A technical amendment to New Code 6.24.010 (Prior Code Sec. 6-600) was made by Ordinance No. 2004-6, effective February 23, 2004.

g. Chapter 6.28, Sale of Rental Facilities; Disclosure and Inspection Requirements. Prior Code - Chapter 6, Article 7 (Ordinance No. 2003-7).

h. Chapter 6.32, Tenant Opportunity to Purchase. Prior Code - Chapter 6, Article 8 (Ordinance No. 2003-7).

i. Chapter 6.36, Unsafe Buildings; Public Nuisance Abatement. Prior Code - Article 9 (Ordinance No. 2003-7).

j. Chapter 6.40, Violations and Enforcement. Prior Code - Article 10 (Ordinance No. 2003-7).

8. New Code - Title 7, Purchasing. Prior Code - Chapter 9A, Purchasing, and Chapter 11A, Taxation. The provisions of New Code Title 7 are unchanged from Prior Code Chapters 9A and 11A.

a. Division 1, Purchasing, Chapter 7.04, General Provisions, Chapter 7.08, Source Selection and Contract Formation, Chapter 7.12, Ethics in Contracting. Prior Code - Chapter 9A, Articles 1 - 3.

b. Division 2, Taxation, Chapter 7.16, Real and Personal Property, Chapter 7.20, Tax Penalty Rate, Chapter 7.24, Homestead Credit Percentage, Chapter 7.28, Local Supplement to State Homeowner's Property Tax Credit Program, Chapter 7.32, Admissions and Amusement Tax. Prior Code, Chapter 11A, Articles 1 - 5.

Chapter 7.28, Local Supplement to State Homeowner's Property Tax Credit Program (Prior Code Chapter 11A, Article 4) was revised by Ordinance No. 2004-27, effective October 18, 2004. By Ordinance No. 2004-27, the Council increased the amount of the homeowner's tax credit local supplement from 15% to 30% of the eligible homeowner's state homeowner's property tax credit and also made minor technical changes to Chapter 11A, Article 4. Ordinance No. 2004-27 is not included in the New Code, but it will be included in the next printed supplement to the New Code (and in the online Code).

9. New Code - Title 8, Business. The provisions of New Code Title 8 are unchanged from Prior Code Chapter 4. An ordinance comprehensively revising Prior Code Chapter 4, Business, is scheduled for Council consideration soon.

a. Chapter 8.04, Bicycle Shops. Prior Code - Chapter 4, Article 1 (scheduled to be repealed).

b. Chapter 8.08, Newspapers. Prior Code - Chapter 4, Article 2 (scheduled to be revised).

c. Chapter 8.12, Peddlers and Transient Merchants. Prior Code - Chapter 4, Article 3 (scheduled to be revised).

d. Chapter 8.16, Sale of Food and Drink. Prior Code - Chapter 4, Article 4 (scheduled to be repealed).

e. Chapter 8.20, Trailer Camps. Prior Code - Chapter 4, Article 6 (scheduled to be repealed).

f. Chapter 8.24, Fortunetelling, Palmistry, Clairvoyance and Other Similar Businesses. Prior Code - Chapter 4, Article 7 (scheduled to be repealed).

g. Chapter 8.28, Sidewalk Sales. Prior Code - Chapter 4, Article 8 (scheduled to be revised).

h. Chapter 8.32, Licenses and Permits. Prior Code - Chapter 7, Licenses and Permits, Sec. 7-1, Schedule of license and permit fees.

i. Chapter 8.36, Commercial Management Districts and Authorities. Prior Code, Chapter 4A.1 and Ordinance Nos. 2000-4 & 2001-34.



j. Chapter 8.40, Commercial District Facade Regulations. Prior Code - Ordinance Nos. 1999-4 & 2002-7. Ordinance No. 2004-20 eliminated the term limits for the Historic Takoma, Inc representative to the Facade Advisory Board (New Code 8.40.020.A.3).

10. New Code - Title 9, Civil Liberties and Human Relations. Prior Code - Chapter 10A, Sanctuary; Rights of Non-Citizens in Takoma Park, and Chapter 3A, Burma, Restricted Relations With. (*Note:* Resolution 2000-53, adopted October 23, 2000, suspended enforcement of Chapter 3A).

11. New Code - Title 10, Refuse, Chapter 10.04, General Provisions, Chapter 10.08, Collection of Refuse, Chapter 10.12, Multifamily Unit Refuse Collection, Chapter 10.16, Prohibited Disposal Methods, Chapter 10.20, Special Trash Collection, Chapter 10.24, Transportation of Refuse, Chapter 10.28, Municipal Infractions, Chapter 10.32, Collection of Yard Waste and Appliances. Prior Code - Chapter 10, Refuse, Articles 1 - 8.

12. New Code - Title 11, Streets, Chapter 11.04, General Provisions, Chapter 11.08, Construction Requirements, Chapter 11.12, Permits and Improvements, Chapter 11.16, Obstruction and Protection of Streets, Chapter 11.20, Snow and Ice Regulations, Article 11.24, Street Lamp Regulations, Chapter 11.28, Closing and Abandoning Rights of Way. Prior Code - Chapter 11, Articles 1 - 7.

13. New Code - Title 12, Trees and Vegetation, Chapter 12.04, General Provisions, Chapter 12.08, Prohibitions on Maintaining Undesirable Vegetation, Chapter 12.12, Urban Forest. Prior Code - Chapter 12, Articles 1-3 (Ordinance Nos. 2003-40 & 2004-6). The “Tree Ordinance” was comprehensively revised by Ordinance No. 2003-40,<sup>5</sup> effective November 30, 2003. Technical amendments to the “Violations and penalties–enforcement” section (New Code 12.12.130; Prior Code §12-312) were made by Ordinance No. 2004-6, effective February 23, 2004.

14. New Code - Title 13, Vehicles and Traffic, Chapter 13.04, General Provisions, Chapter 13.08, Operation of Vehicles, Chapter 13.12, Parking Meters, Chapter 13.16, Special Traffic Regulations, Chapter 13.20, Stopping and Parking, Chapter 13.24, Traffic Signs, Chapter 13.28, Traffic Calming Devices, Chapter 13.32, Bridges, Chapter 13.36, Parking Tickets–Enforcement, Chapter 13.40, Fines, Late Payment, Penalties, and Service Charges. Prior Code - Chapter 13, Articles 1 - 12 (*note:* Prior Code, Chapter 13, Article 5 was Reserved). Ordinance Nos. 2002-36 (amended Prior Code §§13-2 (definitions),13-75 (erection and maintenance of speed hump installations), and 2003-29 (amended Prior Code §§ 13-63(a) (parking prohibitions)).

15. New Code - Title 14, Health and Safety. This is a new title consisting of the following chapters from the Prior Code:

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<sup>5</sup> The statutory reference at the end of each section of Title 12, Trees and Vegetation, in the New Code is incorrectly listed as Ordinance 2003-~~4~~, instead of Ordinance 2003-~~40~~.

- a. Chapter 14.04, Nuclear-Free Zone. Prior Code - Chapter 8A, Nuclear-Free Zone.
- b. Chapter 14.08, Alarms. Prior Code - Ordinance No. 2001-40.
- c. Chapter 14.12, Noise Control. Prior Code - Ordinance Nos. 2000-22 & 2002-35.
- d. Chapter 14.16, Gun Regulation. Prior Code - Ordinance No. 2001-27.
- e. Chapter 14.20, Morals and Conduct, Article 1, Offenses Against Public Health, Article 2, Offenses Against Public Morals, Article 3, Offenses Against Public Peace, Article 4, Offenses Against Public Welfare. Prior Code - Chapter 8, Morals and Conduct, Articles 1 - 4. (Note: most of the provisions in Prior Code Chapter 8, Morals and Conduct, predate the Mayor and Council's adoption of a Code in 1961 (referred to in the Prior Code Cross Reference Table in the New Code as "M.C. 1961".))

16. New Code - Title 15, Animal Control. Prior Code - Chapter 3, Animal Control (Ordinance No. 2003-27). Chapter 3 was comprehensively revised by Ordinance No. 2003-27 which had an effective date of November 1, 2003.

17. New Code - Title 16, Stormwater Management. Prior Code - Chapters 10C (Ordinance Nos. 2001-29 & 2002-6) and 10D.

a. Chapter 16.04, Stormwater Management. Prior Code - Chapter 10C (Ordinance Nos. 2001-29 & 2002-6).

b. Chapter 16.08, Stormwater Management Fee System. Prior Code - Chapter 10D, Stormwater Management Fee System.

18. New Code - Title 17, Franchises. Prior Code - Chapter 5A, Franchises.

a. Chapter 17.04, Cable Communications, Article 1, General Provisions, Article 2, Tenants' Right of Access, Article 3, Municipal Channel. Prior Code - Chapter 5A, Article 1, Cable Communications, Divisions 1 - 3.

19. Non-codified provisions. A few obsolete and outdated provisions included in the Prior Code were not codified in the New Code and, therefore, will be repealed by the adoption of the New Code. These include:

a. Cable Television Board. Prior Code - Chapter 2, Division 3, Sections 2-145 - 2-151. This Board no longer exists.

b. Taxicabs. Prior Code - Chapter 4, Article 5, Sections 4-40 - 4-64. The City does not regulate taxicabs or issue Takoma Park taxicab permits and this article is obsolete.

c. Civil Liberties and Human Relations. Prior Code - Chapter 4A. Ordinance 2539, passed on November 10, 1980, adopted the Montgomery County Human Relations and Civil Liberties Ordinance and provided for enforcement of this ordinance in the City by the County's Human Relations Commission. Ordinance 2539 is unnecessary; the City has not "opted out" of County laws and the Montgomery County Human Relations Commission has jurisdiction in the City.

d. Condominiums. Prior Code - Chapter 4B. Ordinance 1985-35, adopted April 8, 1985, adopted Chapter 11A of the Montgomery County Code; provided for Montgomery County to enforce this law in the Montgomery County section of the City and provided that the City would enforce this law in the Prince George's County section of the City. The unification of the City into Montgomery County on July 1, 1997 made this Ordinance unnecessary.

e. Crime Prevention. Prior Code - Chapter 4C, Sections 4C-1 to 4C-3. These sections, adopted in 1985, appear to be obsolete. Sections 4C-1 - 4C-2 refer to keeping certain commercial window areas clear of obstructions and Section 4C-3 deals with address numbers being displayed on the front of buildings (now included in the Property Maintenance Code).

f. Erosion and Sediment Control. Prior Code - Chapter 6A, Article 1. These were a 1971 ordinance and a 1979 resolution adopting the Prince George's County and Montgomery County standards on erosion and sediment control and providing that those standards shall be enforced in the City of Takoma Park by the respective Counties. The unification of the formerly Prince George's County section of the City into Montgomery County on July 1, 1997 made Ordinance 2185 unnecessary. The 1979 resolution adopting Chapter 19 of the Montgomery County Code 1972, as amended, is unnecessary as the City has not "opted out" of Montgomery County's laws relating to erosion and sediment control.

g. Design Standards. Prior Code - Chapter 6A, Articles 2 - 5. Article 2, Design Standards for Takoma Old Town (Ordinance 2592, adopted November 9, 1981), Article 3, Design Standards for Takoma Junction (Ordinance No. 1985-30, adopted April 8, 1985), and Article 4, Commercial Facade Regulations (for the facades of buildings near the intersections of Flower and Erie Avenues and Flower and Piney Branch Avenue) appear to have been a part of past renovations of those areas of the City and those standards do not need to be codified in the New Code. The Prior Code did not set forth those standards but simply referenced the relevant ordinances and noted that the ordinances were on file in the City offices. Current Commercial District Facade Regulations are set forth in Chapter 8.40 of the New Code (Ordinance Nos. 1999-43, 2002-7, and 2004-20).

h. Noise Control. Prior Code - Sections 8-28 to 8-30. These sections should have been repealed when the City adopted its current noise control ordinance (Ordinance 2000-22, effective November 1, 2000).

Introduced by:

First Reading:

Second Reading:

Drafted by: Linda S. Perlman

Asst. City Attorney

Draft date: November 10, 2004

Effective Date:

**ORDINANCE NO. 2004-**

**(Adoption of a New Codification of the City of Takoma Park Code)**

**WHEREAS**, the City Charter and all ordinances of a general and permanent nature enacted by the Council and in force and effect as of July 26, 2004 (through Ordinance No. 2004-26) have been codified into a new City of Takoma Park Municipal Code; and

**WHEREAS**, the new codification of the City of Takoma Park Municipal Code consists of the compilation and reorganization of existing ordinances so as to create a unified and updated Code; and

**WHEREAS**, the Council desires to adopt a new format for the publication of the City of Takoma Park Municipal Code, including both a printed Code and an online Code, in order to provide greater citizen access to the current laws of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

**SECTION 1.** The “City of Takoma Park Municipal Code,” dated 2004, as compiled, codified, edited, and published by LexisNexis Municipal Codes, Matthew Bender & Company, Inc., a copy of which is on file in the Office of the City Clerk and incorporated by reference in this Ordinance, is adopted as the charter and the code of laws of general application of the City of Takoma Park, Maryland, and is hereinafter referred to as the “Takoma Park Code” or as “Code.”

**SECTION 2.** The Takoma Park Code supersedes and repeals all general and permanent ordinances in force and adopted before July 26, 2004 that are not included in the Takoma Park Code adopted by this ordinance, except for the following ordinances which shall remain in full force and effect: (a) Ordinance No. 2003-1 (establishing the Takoma Park Arts and Humanities Commission); and (b) Ordinance No. 2003-6 (revising the membership size of the Takoma Park Arts and Humanities Commission).<sup>1</sup>

**SECTION 3.** This ordinance does not affect the validity of any ordinances of a general and permanent nature adopted by the Council after July 26, 2004, which ordinances will subsequently

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<sup>1</sup> These two ordinances were inadvertently left out of the recodified Takoma Park Code and will be printed in the next Code supplement and incorporated into the text of the online Code..

be reorganized in accordance with the style and organization of the new Takoma Park Code and be included in a printed supplement to the Takoma Park Code and in the online Code. To the extent that any ordinance adopted subsequent to July 26, 2004 conflicts with any provision of the new Takoma Park Code, the provisions of said ordinances shall prevail.

**SECTION 4.** This ordinance does not repeal or in any way affect the validity of special or non-permanent ordinances (which are not codified) or of resolutions adopted by the Council which are in full force and effect as of the date of the adoption of this ordinance.

**SECTION 5.** This ordinance does not revive any ordinance, or part thereof, that has been repealed by an ordinance that is repealed by this ordinance.

**SECTION 6.** References to the Takoma Park Code shall be understood and intended to include additions and amendments thereto.

**SECTION 7.** Any ordinance adopted after July 26, 2004 that amends or refers to ordinances that have been codified in the Takoma Park Code shall be construed and interpreted as if it refers to like provisions of the new Takoma Park Code.

**SECTION 8.** Typographical and grammatical errors may be corrected in the printing of the Takoma Park Code and in the online Code without the necessity of a further amending ordinance.

**SECTION 9.** This Ordinance shall be effective immediately upon adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

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